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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 JAMES ALLEN,  
12                                      Petitioner,  
13                      vs.  
14 MATTHEW MORTEL, Warden,  
15                                      Respondent.  
16 \_\_\_\_\_

Case No. EDCV 08-828-JVS (JWJ)

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION OF  
UNITED STATES  
MAGISTRATE JUDGE

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18 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the Petition,  
19 all of the records and files herein and the attached Report and Recommendation  
20 of the United States Magistrate Judge, and has made a de novo determination of  
21 the Report and Recommendation. Further, the Court has engaged in a de novo  
22 review of those portions of the Report to which Petitioner has objected. The  
23 Court concurs with and adopts the conclusions of the Magistrate Judge.

24 IT IS ORDERED that the Petition filed herein is **dismissed with**  
25 **prejudice.**

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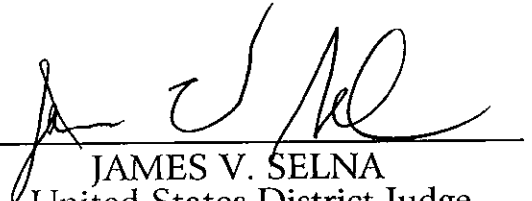
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1 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of  
2 this Order, the Magistrate Judge's Report and Recommendation, and the  
3 Judgment herein by the United States mail on petitioner.

4 LET JUDGMENT BE ENTERED ACCORDINGLY.

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6 DATED: 10. 30. 08

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9 JAMES V. SELNA  
United States District Judge